

### REMARKS

In the Office Action dated March 29, 2004, claims 1-4 and 13 were rejected under 35 U.S.C. § 102 over U.S. No. 6,091,808 (Wood); claims 1-3, 7, 13, 22, 24, 26, 27, 29, 30, 31, 33, 34, and 38 were rejected under § 102 over U.S. Patent No. 6,628,644 (Nelson); claims 4, 6, and 19 were rejected under § 103 over Nelson in view of U.S. Patent No. 6,310,873 (Rainis); claim 5 was rejected under § 103 over Nelson in view of Rainis and U.S. Patent No. 6,134,319 (Burg); claims 14, 20, 21, and 35-37 were rejected under § 103 over Nelson in view of U.S. Patent No. 6,553,515 (Gross); claims 15-17 were rejected under § 103 over Nelson in view of Gross and Burg; claims 8-12, 23, 25, and 28 were rejected under § 103 over Nelson in view of U.S. Patent No. 6,453,034 (Donovan); and claim 32 was rejected under § 103 over Nelson alone.

Applicant acknowledges the indication that claim 18 is allowed.

It is respectfully submitted that claim 1 is neither anticipated by Wood or Nelson.

Wood does not disclose generating a call request for establishing a call session over a packet-based network, or communicating voice data over the packet-based network in the call session. The telephone switch 16 depicted in Figure 1 of Wood is a "central office (C.O.) forming part of the public switched telephone network (PSTN), or a PBX or telephone key system which is coupled to the PSTN in a known matter." Wood, 3:28-32. A telephone 10 is connected by either a twisted wire pair (path 14) or another circuit-switched link such as ISDN. Wood, 3:33-44. There is absolutely *no* teaching that the telephone switch 16 is capable of establishing a call session over a packet-based network. In fact, the opposite is taught by Wood, in which the telephone switch 16 is a PSTN central office or a PBX or a telephone key system coupled to the PSTN. In other words, the telephone switch 16, and thus the telephone 10, *cannot* generate a call session over a packet-based network, or communicate voice data over a packet-based network.

The Office Action asserted that the following passage of Wood discloses an alternate embodiment that reads on the claimed subject matter: column 3, lines 45-50. The column 3 passage cited by the Office Action refers to the fact that the path 18 (between a web browser 12 and the web 20) can be the same as or be separate from the

path 14 between the telephone 10 and telephone switch 16. This statement is explained further down in column 3 of Wood, which states that there are numerous ways in which the telephone 10 and web browser 12, and their paths 14 and 18, can be implemented. One implementation is the use of separate twisted wire pair telephone lines (for paths 14 and 18). Wood, 3:58-62. In another implementation, the paths 14 and 18 are provided on a single telephone line using multiplexed communications to the telephone switch 16 and web 20. Wood, 3:62-64. In other words, the combination of paths 14 and 18 on one telephone line refers to the use of the *same* twisted wire pair telephone line to enable the web browser 12 to access the web 20, and the telephone 10 to access the telephone switch 16. There is absolutely no indication in this passage of Wood that the telephone 10 would be able to establish call sessions over the web 20. The telephone switch 16 remains the same, namely a switch that is used for circuit-switched communications with a PSTN. Therefore, Wood clearly does not disclose the subject matter of claim 1. Withdrawal of the anticipation rejection of claim 1 over Wood is respectfully requested.

Nelson also does not disclose the subject matter of claim 1. Claim 1 recites a method that includes displaying, in a display of a terminal, a hyperlink. Furthermore, the receiving, generating, sending, and communicating acts are all by the terminal. Thus, according to claim 1, each of the acts are performed by the terminal. In contrast, in Nelson, there are three different entities involved in performing the various acts described in Nelson. A web browser is provided in a network device (such as personal computer 24 and 28). *See* Nelson, Figure 1. The network device running the web browser is able to access an IP phone 22a (which includes a web server) to retrieve a web page containing a functional interface illustrated in Figure 3 of Nelson. Thus, the network device on which the web browser is located and the IP phone 22a are separate devices.

In response to user selection of buttons in the functional interface of Figure 3, the web browser sends data indicating the user's selection to the IP phone 22a. Nelson, 7:66-8:3. In turn, the IP phone 22a relays a signal to a call manager 26 to indicate a function to be performed. Nelson, 8:4-9. Once call manager 26 receives the signal, the call manager executes the desired functionality, including placing a call to another phone. Nelson, 8:12-18. Thus, in Nelson, there is no "terminal" that performs each of the

displaying, receiving, generating, sending, and communicating acts recited in claim 1. Withdrawal of the anticipation rejection of claim 1 is therefore respectfully requested.

Independent claim 22 was also rejected as being anticipated by Nelson. Claim 22 recites a device that includes a display, a hyperlink presentable in the display, and a controller to generate a call request in response to selection of the hyperlink, where the call request is for establishing a call session over the data network. In contrast, in Nelson, in response to user selection of elements of the web browser presented by a network device, the web browser sends data indicating the user's selection to the IP phone 22a. Nelson, 7:66-8:3. The user can dial individual keys of a keypad 102 or the user may push a speed dial button 104 in the functional interface 100. Nelson, 7:38-41. Thus, what is sent from the web browser to the IP phone 22a are individual pieces of data to indicate what was pressed by the user, either a single number corresponding to a keypad press, or a series of numbers corresponding to a speed dial button. Such data sent by the web browser to the IP phone 22a *cannot* be considered a call request for establishing a call session over a data network. Nelson further describes that the IP phone 22a must then relay the data received from the web browser to a call manager, with the call manager performing the generation and transmission of a call request. Nelson, 8:4-18. Thus, the network device on which the web browser runs cannot be considered the device recited in claim 22, because such network device cannot generate a call request for establishing a call session over the data network.

The IP phone 22a of Nelson also cannot be considered the device of claim 22, since the IP phone 22a does not have a display in which a hyperlink is presentable. Also, the IP phone 22a does not have a controller to generate a call request for establishing a call session over a data network. The call manager 26 of Nelson also cannot be considered the device of claim 22, since the call manager 26 does not have a display or a hyperlink presentable in the display and selectable by a user. Therefore, it is respectfully submitted that claim 22 is not anticipated by Nelson.

Independent claim 24 was also rejected as being anticipated by Nelson. It is respectfully submitted that Nelson does not disclose a device that can be caused to present a hyperlink in a display of the device, and also to perform the receiving and generating acts of claim 24. As discussed above with respect to claim 22, the network

device running the web browser cannot be considered to be the device that can be caused to perform the various acts of claim 24 because the web browser does not generate a call request containing information in the uniform resource locator, where the call request is to establish a call session over a packet-based network. The IP phone 22a cannot be considered the device because the IP phone 22a does not present a hyperlink in a display of the IP phone 22a. The IP phone 22a also does not generate a call request to establish a call session over a packet-based network. The call manager 26 does not present a hyperlink in a display of the device, nor does it receive an indication of selection of a hyperlink or receive a uniform resource locator associated with the hyperlink. Therefore, it is respectfully submitted that claim 24 is not anticipated by Nelson.

With respect to independent claim 29, Nelson does not disclose a terminal that can be caused to perform both the receiving and generating acts, similar to reasons provided above with respect to claims 22 and 24.

Independent claim 30 similarly is not disclosed by Nelson, since Nelson does not disclose a device that includes the display and the routine recited in claim 30. The network device running the web browser in Nelson does not contain a routine that presents a hyperlink and that generates a call request to establish a call session over a packet-data network in response to selection of the hyperlink. The IP phone 22a of Nelson does not disclose a display in which a hyperlink can be presented, nor does the IP phone 22a generate a call request to establish a call session over the packet-based network. The call manager 26 does not contain the display or a routine to present a hyperlink on the display. Therefore, it is respectfully submitted that claim 30 is not anticipated by Nelson.

Independent claim 6 was rejected as being obvious over Nelson and Rainis. To establish a *prima facie* case of obviousness, one of the requirements is that the references when combined must teach or suggest *all* elements of the claim. See MPEP § 2143 (8<sup>th</sup> ed., Rev. 2) at 2100-129. Here, that requirement clearly cannot be satisfied by the hypothetical combination of Nelson and Rainis. As conceded by the Office Action, Nelson fails to disclose both the accessing and providing acts of claim 6. Reliance was made on Rainis as teaching the missing elements. Claim 6 recites accessing rules information to determine further information to add to the logical identifier, and

providing charge information for a toll call appended to the logical identifier based on accessing the rules information. In contrast, Rainis describes a user selecting an available payment mechanism, such as a basic payment model (in which a user can choose between prepayment using either electronic cash or credit cards), or a secure payment model (in which the user may choose between tokens representing either digital cash or credit card). There is no teaching by Rainis of accessing rules information to determine further information, and providing charge information appended to the logical identifier for a toll call based on accessing the rules information. Because the hypothetical combination of Nelson and Rainis fails to disclose or suggest all elements of claim 6, the obviousness rejection of claim 6 is defective and should be withdrawn.

Independent claim 19 was also rejected over the asserted combination of Nelson and Rainis. It is respectfully submitted that a *prima facie* case of obviousness has also not been established with respect to claim 19. As conceded by the Office Action, Nelson fails to disclose a controller to access call rules to determine how a call request is to be generated, and to add charge information to a call request based on the call rules. It is also respectfully submitted that Rainis also fails to disclose the recited subject matter. Rainis discusses client software providing a telephony server with payment information for a phone call. Rainis, 6:38-59. However, nowhere within Rainis is there any indication that charge information is *added to a call request* based on call rules. Therefore, even if Nelson and Rainis can be properly combined, the hypothetical combination of Nelson and Rainis does not teach or suggest all elements of claim 19, which is a requirement of a *prima facie* case of obviousness.

Claim 7 has been cancelled to render the rejection of that claim moot. Claim 8 has been amended from dependent form to independent form, with the scope of claim 8 remaining *unchanged*. With respect to claim 8, the Office Action has failed to establish a *prima facie* case of obviousness, since there is no motivation or suggestion to combine the teachings of Nelson and Donovan. As conceded by the Office Action, Nelson fails to disclose a uniform resource locator that contains a telephone number. However, reliance was made on the teachings of Donovan, specifically to Donovan at column 3, lines 45-60. The cited column 3 passage of Donovan refers to URLs used in SIP (Session Initiation Protocol) messages, such as the SIP Invite message. SIP messaging is used by clients to

establish call sessions over an IP network. However, there is absolutely no suggestion anywhere of any desirability of employing SIP URLs in any of the network elements of Nelson. In fact, as specifically taught by Nelson, the network device running the web browser provides data corresponding to user selection of buttons of a functional interface to the IP phone 22a. The web browser of Nelson is not capable of establishing call sessions over a data network—that capability specifically rests with the call manager 26. The IP phone 22a also cannot establish call sessions over the data network, but instead, must rely on the call manager 26 to connect call sessions. Providing SIP URLs in data exchanged between the web browser and IP phone 22a of Nelson would render the web browser and IP phone 22a inoperative for their intended purpose. SIP URLs are used only in SIP messages, and SIP messages are used for directly establishing call sessions over a data network. SIP messages cannot carry key stroke information relating to activation of keys on the web browser as described in Nelson. Therefore, in view of the foregoing, there can be no motivation or suggestion to modify the teachings of Nelson to incorporate the SIP URLs described in Donovan.

Moreover, there simply does not exist any desirability to modify the web browser and web server of IP phone 22a in Nelson to support SIP. Nelson describes a call manager 26 for connecting calls. Thus, the capability to connect calls in the IP phone 22a and web browser is clearly not desirable or needed. Therefore, for this further reason, there is no motivation or suggestion to combine the teachings of Nelson and Donovan. The obviousness rejection of claim 8 is thus defective and should be withdrawn.

Independent claim 14 was rejected as being obvious over Nelson and Gross. It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 14 for the reason that there is no motivation or suggestion to combine Nelson and Gross in the manner proposed by the Office Action. There is absolutely no need or desirability to modify the web browser of Nelson to support generation of SIP messages, as the web browser is intended to only provide data corresponding to button activations in the functional display to the IP phone 22a. In fact, the IP phone 22a itself cannot establish calls over a data network, and must rely upon the call manager 26. The call manager 26 does not contain a display or a hyperlink presentable in the display. Therefore, there is no motivation or suggestion to combine the

teachings of Nelson and Gross in the manner to provide a device that has the recited display, hyperlink, and controller to generate a call request including a SIP message.

Dependent claims, including newly added dependent claims 39-42, are allowable for at least the same reasons as corresponding independent claims. Furthermore, with respect to dependent claim 4 (which depends from claim 1) there is no teaching or suggestion by the asserted combination of Nelson and Rainis of accessing rules information to determine further information *to add to the logical identifier*. Therefore, the hypothetical combination of Nelson and Rainis does not teach or suggest all elements of claim 4.

In view of the defective rejection of claim 4 over Nelson and Rainis, it is respectfully submitted that the obviousness rejection of claim 5 (which depends from claim 4) over Nelson, Rainis, and Burg is also defective.

In view of the defective application of Nelson and Gross to base claim 14, it is respectfully submitted that the obviousness rejection of claims 15-17 (which depend from claim 14 directly or indirectly) over Nelson, Gross, and Burg is also defective.

With respect to claim 23, which depends from claim 22, it is respectfully submitted that the obviousness rejection of claim 23 over Nelson and Donovan is defective in view of the fact that the rejection of claim 22 over Nelson is defective. Moreover, as discussed above, there simply is no motivation or suggestion to combine the teachings of Donovan and Nelson to achieve the claimed subject matter.

The same is true also for claims 25 and 28, which depend from claim 24. Both claims 25 and 28 were rejected over the asserted combination of Nelson and Donovan. As discussed, no motivation or suggestion exists to combine Nelson and Donovan. Also, in view of the defective rejection of claim 24 over Nelson, the obviousness rejection of claims 25 and 28 over Nelson and Donovan is also defective.

With respect to dependent claims 35-37, there is no motivation or suggestion to combine Nelson and Gross, as discussed above. Moreover, in view of the defective rejection of claim 24 over Nelson, the obviousness rejections of claims 35-37 over Nelson and Gross is also defective.

Dependent claim 32 (which depends from claim 30) was rejected as being obvious over Nelson alone. The Office Action conceded that Nelson fails to disclose an

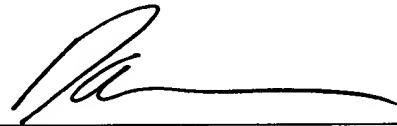
electronic mail routine to add a hyperlink to a message. However, the Office Action took official notice that this feature was well known. Applicant respectfully traverses the taking of this official notice, as the electronic mail routine being able to add a hyperlink to a message in the context of the claim 30 device is not suggested anywhere within Nelson. If a reference exists that suggests this feature, Applicant respectfully requests the production of such a reference. Absent the production of such a reference, withdrawal of the obviousness rejection of claim 32 over Nelson alone is respectfully requested.

In view of the foregoing, allowance of all claims is requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0067US).

Respectfully submitted,

Date: \_\_\_\_\_

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